

**HOUSE STANDING COMMITTEE ON
NATURAL RESOURCES, GREAT LAKES, LAND USE, AND
ENVIRONMENT**

Thursday, June 16, 2005

9:00 a.m.

Room 519 House Office Building

Representative Palsrok, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan.

Representative Gillard moved to excuse absent members.

Representative Meyer supported the motion.

There being no objection, the motion prevailed by unanimous consent.

MEMBERS ABSENT/EXCUSED: Representatives Ward and Kathleen Law.

Representative Elsenheimer moved to approve the minutes of the June 2, 2005 meeting.

Representative Bennett supported the motion.

There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4860, SB 356, and SB 419 before the committee.

HB 4860	Elsenheimer	Environmental protection; water pollution; unauthorized discharges into a municipal sewer system; exempt municipalities from liability.
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SB 356	Patterson	Public utilities; water utilities; on-site wastewater investor-owned utilities; create.
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SB 419	Allen	Public utilities; water utilities; private wastewater treatment facilities; allow public service commission to regulate.
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Representative Elsenheimer testified in support of HB 4860.

Chris Gillett, representing Senator Patterson's office, testified in support of SB 356.

Jeremy Hedges, representing Senator Allen's office, testified in support of SB 419.

Brett Gourdie, representing Gourdie-Fraser Engineering, testified in support of the bills.

Frank Ruswick, representing the Michigan Department of Environmental Quality, testified in support of HB 4860 and SB 356.

Tom Frazier, representing the Michigan Townships Association, testified in support HB 4860.

Joe Fivas, representing the Michigan Municipal League, testified in support of HB 4860.

Brad Ward, representing the Michigan Association of Realtors, submitted a card in support of the concept of SB 356 and SB 419, but did not wish to speak.

James Clift, representing the Michigan Environmental Council, submitted a card in opposition to SB 419, but did not wish to speak.

Representative Walker submitted a card in support of SB 419, but did not wish to speak.

Representative Elsenheimer moved to adopt substitute (H-1) to SB 356.

Representative Byrnes supported the motion.

The motion prevailed by a vote of 12-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes and Bennett,

Nays: None,

Pass: None.

Representative Pearce moved to adopt substitute (H-2) to SB 419.

Representative Miller supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan.

Nays: None,

Pass: None.

Representative Elsenheimer offered the following amendments to SB 419 (H-2):

1. Amend page 3, line 14, after “(2)” by inserting “**A PRIVATE, INVESTOR-OWNED WASTEWATER UTILITY MAY APPLY TO THE COMMISSION FOR RATE REGULATION. IF AN APPLICATION IS FILED UNDER THIS SUBSECTION,**”.

2. Amend page 3, line 15, after “**THE**” by striking out “**ACTIVITIES**” and inserting “**RATES, FARES, FEES, AND CHARGES**”.

Representative Pearce moved to adopt the amendments.

Representative Gillard supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan.

Nays: None,

Pass: None.

Representative Pearce moved to adopt substitute (H-1) to HB 4860.

Representative Byrnes supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan.

Nays: None,

Pass: None.

Representative Elsenheimer offered the following amendment to HB 4860 (H-1):

1. Amend page 2, line 15, after “3115.” By striking out the balance of the subsection and inserting:

“(3) NOTWITHSTANDING SUBSECTION (2), A MUNICIPALITY IS NOT RESPONSIBLE FOR AN UNAUTHORIZED DISCHARGE FROM A SEWAGE SYSTEM AS DEFINED IN SECTION 4101 THAT IS PERMITTED UNDER THIS PART AND OWNED BY A PARTY OTHER THAN THE MUNICIPALITY, UNLESS THE MUNICIPALITY HAS ACCEPTED RESPONSIBILITY IN WRITING FOR THE SEWAGE SYSTEM.”.

Representative Moore moved to adopt the amendment.

Representative Gillard supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan.

Nays: None,

Pass: None.

Representative Elsenheimer moved to report SB 356 as substitute (H-1).

Representative Byrnes supported the motion.

The motion prevailed by a vote of 12-0-1.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes and Bennett,

Nays: None,

Pass: Representative Donigan.

SB 356 (H-1) reported out with recommendation.

Representative LaJoy moved to report SB 419 as substitute (H-3).

Representative Miller supported the motion.

The motion prevailed by a vote of 12-0-1.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes and Bennett,

Nays: None,

Pass: Representative Donigan.

SB 419 (H-3) reported out with recommendation.

Representative Pearce moved to report HB 4860 as substitute (H-4).

Representative Miller supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan,

Nays: None,

Pass: None.

HB 4860 (H-4) reported out with recommendation.

With no further business to come before the committee, the Chair adjourned the meeting, the time being 10:00 a.m.

Representative Palsrok, Chair

Date Approved and Signed

Ben Cook
Committee Clerk
June 16, 2005
1 hour